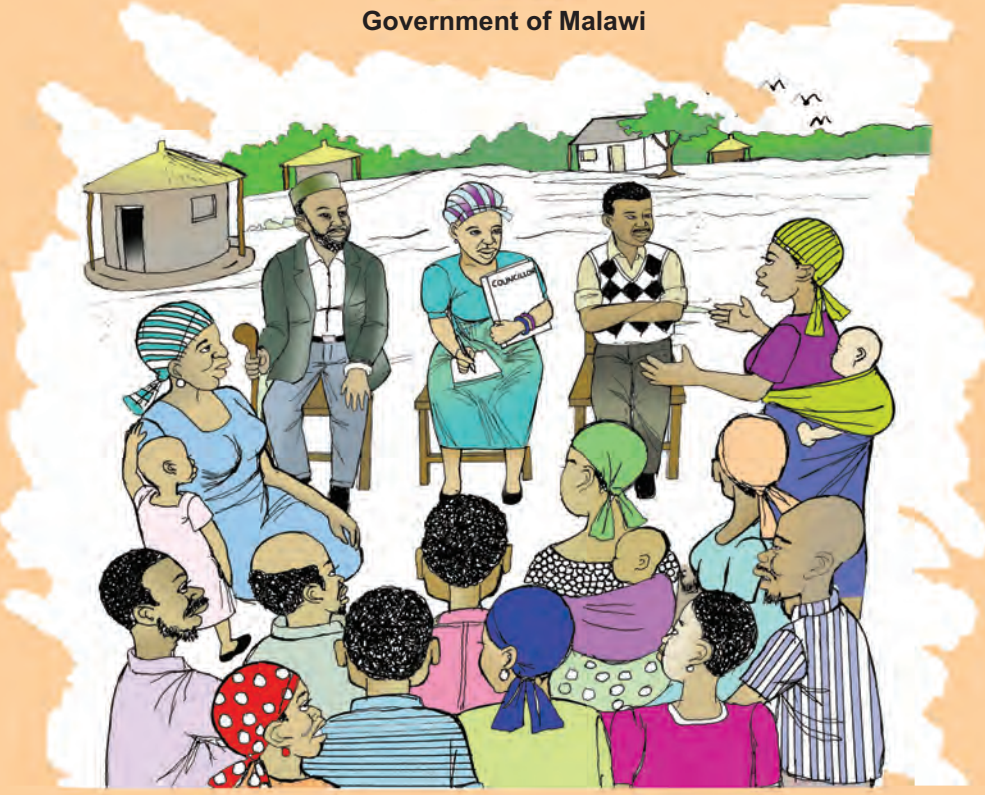
Government of Malawi



GUIDEBOOK ON
The Local Government System in Malawi

Government of Malawi

GUIDEBOOK ON The Local Government System in Malawi

Produced by

Ministry of Local Government and Rural Development

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FOREWORD

The Guidebook on the Local Government System in Malawi is a revised edition of a similar booklet, formerly known as the 'Guidebook on Decentralisation.' The change of name has been effected because the term 'Local Government System', is considered more encompassing than 'Decentralisation', which was previously thought to entail all aspects of the local authorities.

This guidebook provides in great detail almost everything that any reader or development practitioner may wish to know about the Local Government System (LGS) in the country as well as their own role. It has been produced at a time when the Local Government System is being re-launched following thorough consultations. Due to the lack of any published booklet on the system before, some individuals as well as institutions have inadvertently misrepresented what the system stands for. Considering that recently there have also been some important changes and developments to the system, my Ministry thought of producing this guidebook.

This guidebook describes the LGS in Malawi. It outlines the structure, functions and operational procedures of local authorities in the country. It also goes into some detail describing the roles and functions of councils as well as the responsibilities and qualities of stakeholders that make up a good member of a council. This is particularly relevant to the councillors. With the level of detail that it has, the guidebook should not only help the citizenry to understand what to expect of their councillors, but also help them in deciding who has the best attributes for representing them in the council.

During the tenure of office of the last cohort of councillors under a democratic dispensation (2000-2005), one of the weaknesses that was observed was the inadequacy of knowledge among councillors and the citizenry about the roles and responsibilities of the local authorities. This booklet therefore seeks to address that weakness in order for any new councillors that may be elected to clearly know their roles, responsibilities and relationships with the various stakeholders and institutions within their council and also in the country.

Therefore, this guidebook has been produced as the official document from which civic education materials to the citizens can be drawn before, during and after any Local Government Elections (LGE). Since it does not dwell on specific matters of individual councils, it will therefore serve as a reference document on general matters relating to district, town, municipal and city councils. I would therefore wish to urge all stakeholders that are concerned with the provision of civic education in this country to prioritise its use whenever there are questions and also whenever issues relating to the LGS are discussed.

I wish to remind all Malawians that we hold the destiny of our county in our own hands. We all have a duty to contribute to the development of our nation. The LGS provides a framework through which we can become active participants in the development of our nation. Let us all work hard to ensure that we have efficient and effective councils.

Lastly but not least, I wish to thank officials from my Ministry for the tireless work in the review of the document until it was published. I would also wish to commend the German Government through GIZ's Malawi–German Programme for the Promotion of Democratic Decentralisation (MGPDD) and the Commonwealth Local Government Forum (CLGF) for financing the process to revise the original guidebook and also the printing of this booklet. Finally, I am indebted to all the other cooperating partners who have over the years supported the Ministry of Local Government and Rural Development with their technical and financial contribution with the aim of improving the efficiency and effectiveness of our councils.

Hon. Mrs Rachel Mazombwe Zulu, M.P.
Minister of Local Government and Rural Development

ABBREVIATIONS

ADC	Area Development Committee
AEC	Area Executive Committee
AIDS	Acquired Immuno Deficiency Syndrome
CEO	Chief Executive Officer
CSO	Civil Society Organisation
CW	Community Window
DC	District Commissioner
DDF	District Development Fund
DDP	District Development Plan
DDPS	District Development Planning System
DEC	District Executive Committee
DS	Decentralisation Secretariat
FISP	Farm Input Subsidy Programme
GRF	General Resource Fund
GVH	Group Village Headman
HIV	Human Immunodeficiency Virus
Hon	Honourable
IMTCD	InterMinisterial Technical Committee on Decentralisation
IPF	Indicative Planning Framework
LAW	Local Authority Window
LDF	Local Development Fund
LDP	Local Development Plans
LGE	Local Government Elections
LGSC	Local Government Service Commission
LGS	Local Government System
MALGA	Malawi Local Government Association

MDG	Millennium Development Goals
MEC	Malawi Electoral Commission
MGDS	Malawi Growth and Development Strategy
MGPDD	Malawi-German Programme for Democratic Decentralisation
MLGRD	Ministry of Local Government and Rural Development
MP	Member of Parliament
NDP	National Decentralisation Programme
NGO	Non-Governmental Organisation(s)
NC	Neighbourhood Committees
NLGFC	National Local Government Finance Committee
OPC	Office of the President and Cabinet
PRSP	Poverty Reduction Strategy Paper
PW	Performance Window
SCDP	Secondary Centres Development Programme
SEP	Socio-Economic Profile
STA	Sub-Traditional Authority
TA	Traditional Authority (ies)
UDP	Urban Development Plans
UEC	Urban Executive Committee
UN	United Nations
UW	Urban Window
VAP	Village Action Planning
VDC	Village Development Committee

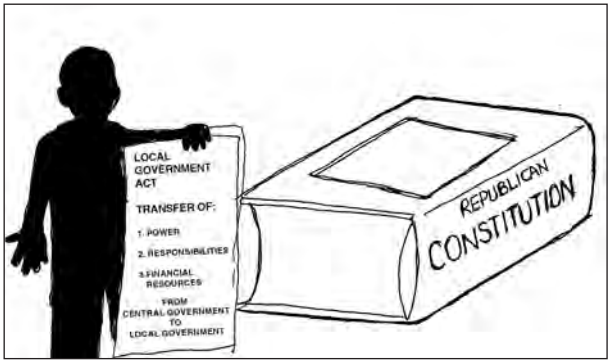
CHAPTER ONE

INTRODUCTION TO THE LOCAL GOVERNMENT SYSTEM IN MALAWI

In this Chapter, we introduce the following:

- **Legal Framework**
- **Key Elements of the Local Government System**
- **Relationship between Local Governments and Central Government**
- **Linkages of the Local Government System to National Development**

1. Legal Framework



The Local Government System (LGS) in Malawi draws its legal mandate from Section 146 of the Constitution of the Republic of Malawi and the Local Government Act of 1998. The experience of implementing this Act, especially in the period 2000 – 2005 when the country had elected councillors, showed that the Act was not very effective as an instrument of promoting grassroots development. Both the Constitution and the Act specifically mandate local governments to promote infrastructural and economic development within their area. The Local Government Act has continuously been reviewed and so far amended twice to facilitate local governments to live up to the constitutional mandate. The last amendments were passed by the National Assembly in February, 2010. The new Act has addressed these fundamental flaws which should result in more effective and efficient local governments in this country.

2. Key Elements of the Local Government System

The LGS in Malawi has a single tier structure, implying that all local authorities are independent of one another and no local authority has supervisory responsibility over another. This notwithstanding, the Local Government Act provides for collaboration between and among councils.

The institutional set-up of our LGS comprises the local governments and its committees at the district level. Under the local governments, we have the Area Development Committees (ADC), the Village Development Committees (VDC) for district councils and Neighbourhood Committees (NC) for town, municipal and city councils. The planning process starts at VDC/NC level with the formulation of Village Action Plans (VAPs) or Neighbourhood Action Plans (NAPs). VAPs/NAPs are a set of key priority needs from the village/neighbourhood. These are then forwarded to the council where they are consolidated into a local development plan (District Development Plans in district councils or Urban Development Plans in town, municipal or city councils). The local development plan therefore, represents the priorities of the entire district. In the formulation of the local development plan the issues are aligned to the national priorities as outlined in the Malawi Growth and Development Strategy (MGDS).

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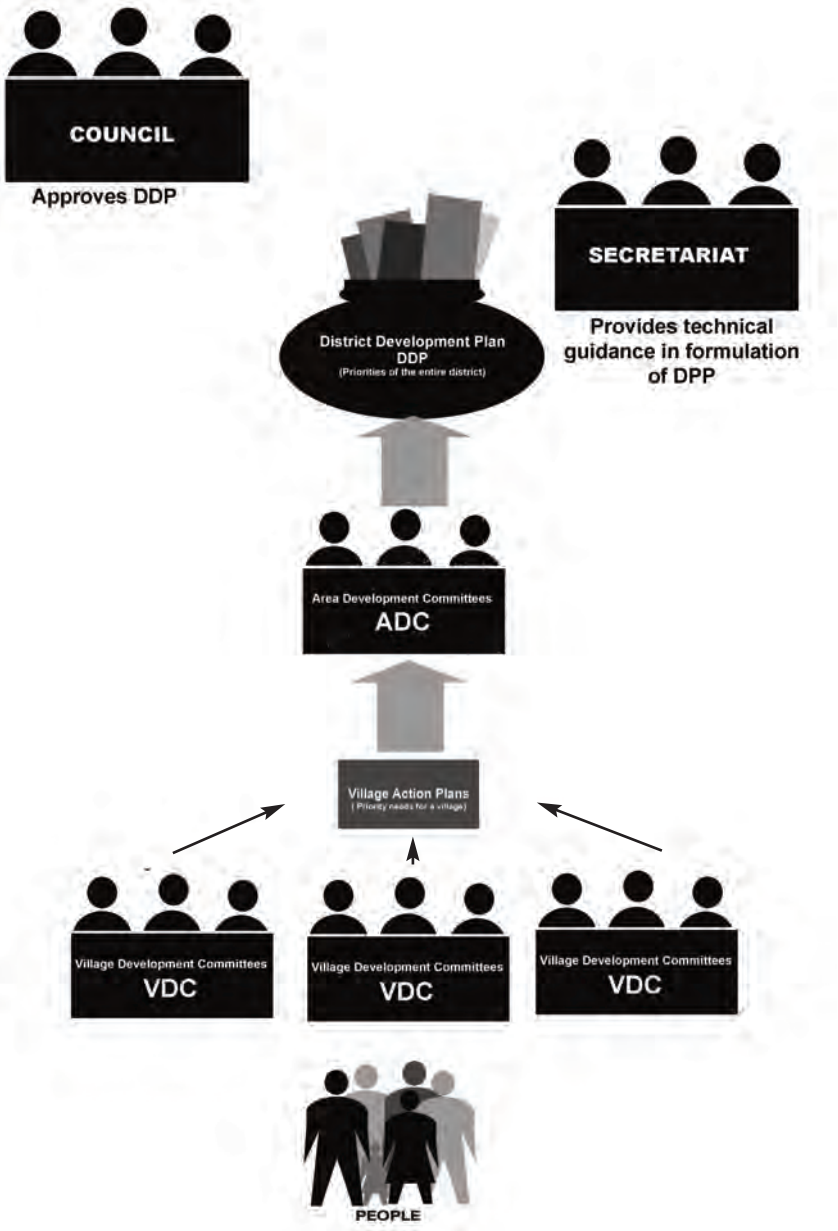
An Illustration of the District Development Planning Process



Another element of the LGS in Malawi is the Council Secretariat. The Council Secretariat provides technical guidance on the formulation of local development plans, whereafter the council approves the respective plan.

Local government financing is another key element of the system. The Local Government Act and the Decentralisation Policy outline three main sources of funding namely: central government transfers, locally generated revenues and ceded revenue[1]. These will be discussed in more detail in a later chapter of this document.

Currently there is a lively discourse to introduce Ward Committees within the LGS. Activities of Ward Committees would be guided by the elected councillor of a particular ward.

3. Relationship between Local Governments and Central Government

The Malawi Local Government System is very closely connected to the central government. Local governments' role is to re-enforce national policies through local programmes and activities thereby ensuring their subsidiarity and complementarity to the central government. This is particularly important for a country such as Malawi, where transfers from the central government contribute to more than 80% of the local governments' annual budgets.

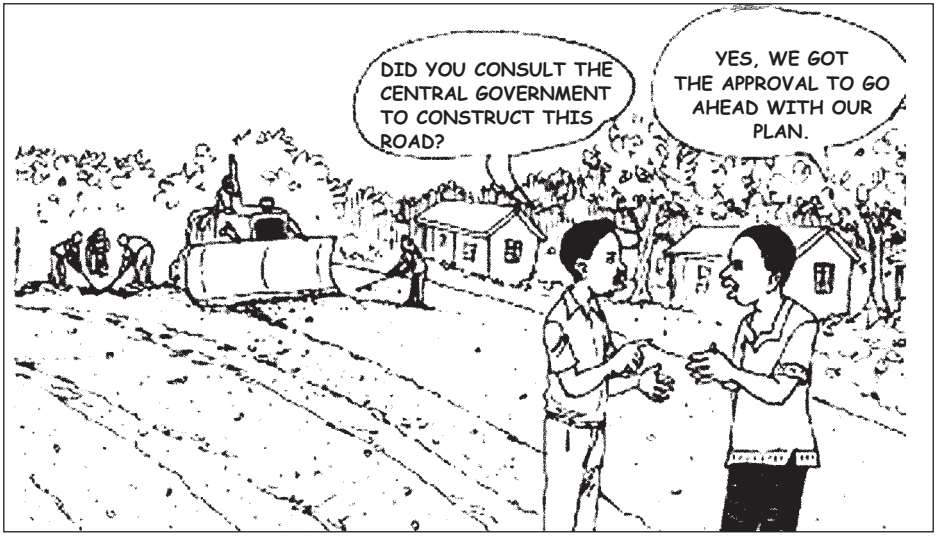
As part of the public service, local authorities are guided by national policies. As such, they are not expected to come up with initiatives that are in contradiction to national policies. For instance, a council cannot institute fee paying in public primary schools when the national policy is free primary education; a local authority cannot institute a universal fertilizer subsidy programme as it may be in contradiction to the targeted Farm Input Subsidy Programme (FISP) that is established by central government. Any council that comes up with initiatives that contradict national policies will be answerable to the Minister responsible for local government.

In order to strengthen the relationship between central government and local governments, central government supports local governments with policy guidance, financial and technical assistance among others.

[1]Although ceded revenue has never been operationalized.

4. Linkages of the Local Government System to National Development

The overarching policy agenda for the country is derived from the Malawi Growth and Development Strategy (MGDS). Government is presently implementing MGDS II which runs from 2011 to 2016. The MGDS recognises that attainment of sustainable development can only be achieved through devolution of certain responsibilities to local authorities. It is not possible to achieve meaningful development if we do not have a mechanism through which the needs of local communities can be attended to in a timely manner. The LGS allows a community to demand and access services that are needed for the improvement of their livelihoods as a key feature that is intended to the promotion of popular participation of the rural communities in socio-economic development.



This institutional structure allows a district to tackle its peculiar problems and therefore empower it to take part in the attainment of the Millennium Development Goals (MDGs). For instance, a district that is prone to erratic rainfall will come up with projects on small scale irrigation as a priority in its local development plan (LDP) and therefore achieve food security objective in line with the MGDS as well as the MDG goal on eradication of extreme poverty and hunger.

A district that has good food production but is unable to sell the products due to lack of accessibility will for instance prioritise rural feeder roads in its LDP. The LDP therefore allows a local government to come up with projects that ensure that its communities achieve improved standards of living.

The LDP represents a plan of implementation for a district to attain sustainable development. The local governments will have the task of deciding how to mobilize resources to ensure that the plan is implemented. The projects may be funded from central government transfers or from locally generated resources. The council may opt to seek support from Non-Governmental Organisations (NGOs) working in the district to implement these projects. Where projects are complex and cannot be implemented from local resources, they are referred to central government ministries for technical or financial support.

CHAPTER TWO

LOCAL GOVERNMENT AREAS IN MALAWI

In this Chapter we look at the following issues:

- **Number of Local Governments in Malawi**
- **Categories of Councils**

1. How many Local Government Areas are there in Malawi?

Malawi currently has a total of 35 Local Government Areas in which local government authorities called councils have been established. Specific names and number of Local Government Areas are found in the First Schedule of the Local Government Act. Local Government Areas, also known as planning areas, are sub-divided into smaller areas called wards where councillors, who are members of the council, represent the electorate.

2. How are these Councils categorised?

The number of councils in this country is determined from time to time through the First Schedule of the Local Government Act. Currently Local Government Areas in Malawi are categorised into four as follows:

i. Cities: there are four (4) of them namely,

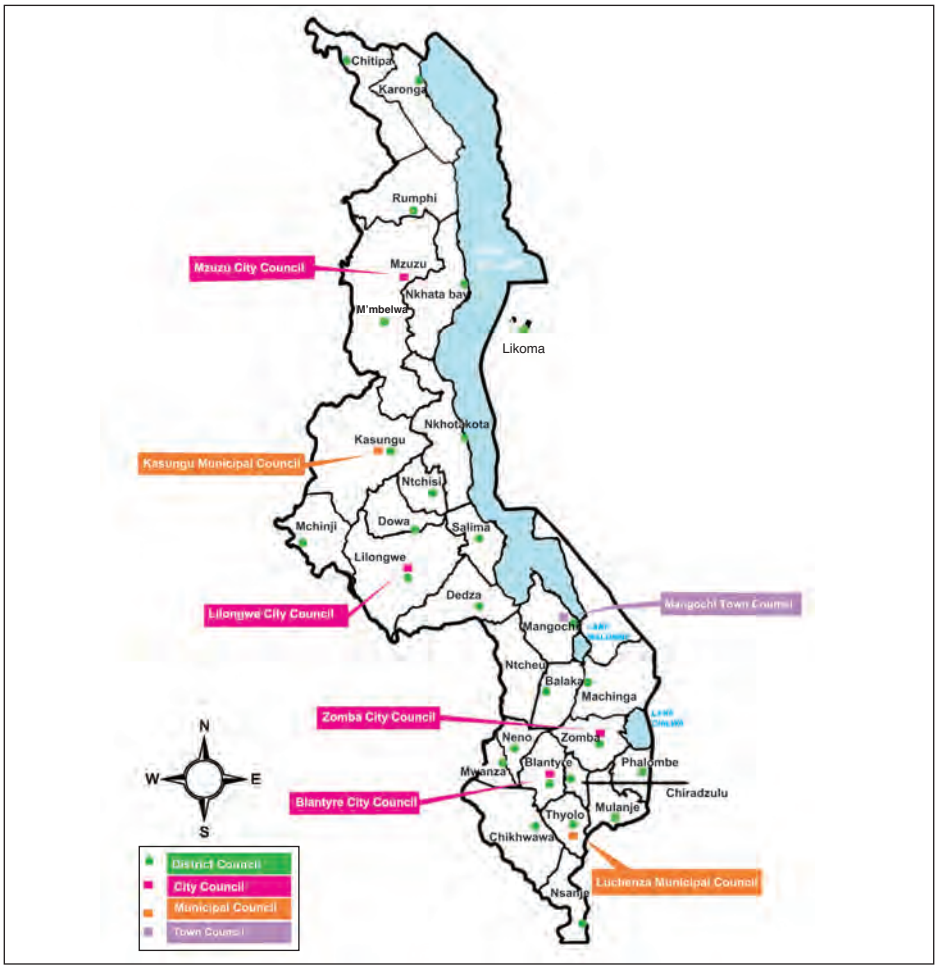
a. Blantyre,
b. Lilongwe,
c. Mzuzu, and
d. Zomba;

ii. Town: there is only one (1), namely Mangochi;

iii. Districts: There are twenty eight (28) of them, namely Balaka, Blantyre, Chikhwawa, Chiradzulu, Chitipa, Dedza, Dowa, Karonga, Kasungu, Likoma, Lilongwe, Machinga, Mangochi, Mchinji, Mulanje, Mwanza, M'mbelwa, Neno, Nkhata Bay, Nkhotakota, Nsanje, Ntcheu, Ntchisi, Phalombe, Rumphi, Salima, Thyolo, Zomba.

Each one of the Local Government Areas is a district in its own right, meaning that it cannot be under the supervision of another Local Government Area. With guidance from the central government, districts have full responsibility over their development and administrative matters in line with national objectives as stipulated in the Malawi Growth and Development Strategy (MGDS II). Local authorities therefore receive policy guidance from the centre because they are also part of the public service in the country.

Figure 1: Local Government Areas in Malawi



CHAPTER THREE

DECENTRALISATION

In this Chapter, the following questions are answered:

- **What is Decentralisation?**
- **Why do we need Decentralisation?**
- **What are the benefits of Decentralisation?**
- **What are the effects of Decentralisation?**

1. What is Decentralisation?

Decentralisation is the process by which central government gradually transfers some of its political power, responsibilities and financial resources to local governments. This process gives local governments the authority and resources to provide the necessary services in areas under their jurisdiction.

For this process to be effective and run smoothly, it has to be supported by appropriate legislation. The Malawi Constitution (Section 146) and the Local Government Act provide the legal framework for decentralisation in Malawi.

Transfer of functions and resources from Central Government to Local Government

2. Why do we need Decentralisation?

Although central government is ultimately responsible for provision of all services in the country, it cannot manage all the affairs of the state by operating directly from government headquarters. It is not possible for officials at Capital Hill to know the issues affecting a particular locality in a district and be able to respond to them in a timely manner. Decentralisation, therefore, allows each local authority to examine the priority needs of their area and come up with programmes or projects to deal with such issues.

3. What are the benefits of Decentralisation?

i. Improving service delivery to citizens

Local governments are responsible for a much smaller area than central government. They are also closer to the people they are responsible for, which makes them better placed to decide and quickly act on the needs of the people. Local governments can more easily analyse a situation, plan with the population how to address their needs and implement, monitor and evaluate implementation of the agreed programmes and projects. Because of their closeness to areas where people require projects, they are able to interact with project beneficiaries on the problems they face and on proposed solutions. Therefore, they are in a better position to decide how much money should be invested to improve certain services. This helps the local governments to deliver services that are responsive to the needs of the people in a timely and most effective way. By being able to respond quickly, local governments facilitate improvements in people's standard of living and contribute to the attainment of the MGDS targets and the MDGs.

ii. Strengthening democracy at grassroots level

Malawi is a democratic country and this means that important decisions that affect people's lives have to be made by people that are democratically chosen to take such responsibility. That is why according to the Constitution, Local Government Elections (LGE), where people choose their local authority representatives (councillors), are held every five years. This is in addition to the general elections, where citizens vote for the President of the country and Members of Parliament in their constituencies.

From 2014, Local Government, Presidential and Parliamentary Elections are conducted at the same time as tripartite elections. LGE provide the people with the opportunity to make their voices heard at the local level, where the government's actions are most directly felt by the common man.

Decentralisation also strengthens democracy by offering an opportunity to people to choose leaders to positions of authority in development committees at area and village levels. Through participation in such elections, citizens can hold their representatives accountable for services intended to bring about economic, social, political and cultural development in their wards and councils.

4. What are the effects of decentralisation?

Decentralisation transforms the way government works and interacts with the public at both central and local levels. It has far-reaching implications for the governance. These include the following:

i. Quick decision making

The national budget provides financial resources to each council both for recurrent expenses and for financing development projects. Each council is responsible for procurement of works, supplies and services that are required. Decentralisation therefore, provides an opportunity for each council to respond quickly to local requirements and implement projects and programmes. This is unlike a situation whereby all decisions have to be taken at central government headquarters.

ii. Popular participation

Decentralisation avails people an opportunity to contribute towards the development agenda by articulating the challenges they face in their communities through their elected representatives. Locally elected government officials provide a channel for the population to demand for service delivery and to hold office bearers accountable for the delivery of the required services. The citizens also take part in local development through paying local taxes and fees.

iii. Ownership of projects by community

Popular contribution towards the design and the implementation of community projects provides a feeling of ownership of the projects including the infrastructure created. This will ensure that no one vandalises these assets.

iv. Sustainability

Projects that are designed and implemented by the council have a more sustainable impact on the community since they are projects that address the priority needs of the community and therefore address the most fundamental needs of the people. This is the only way sustainable poverty eradication can be attained.

v. Accountability

Both, elected councillors and non-elected officials (administration staff) are accountable to the people. Councillors help to implement accountability by answering directly to the citizens and promoting the citizens' causes. This reduces cases and chances for corruption and maladministration. Councillors therefore play a key role in the implementation of the Service Charter concept at district level.

Although central government decentralised certain functions to the local governments, it still retained some functions that are by their nature better implemented by the centre such as defence, international trade, etc. At the same time the central government retained the responsibility of setting standards and quality assurance in service provision, through line ministries, and as such ensure that councils are meeting the minimum performance required when implementing devolved functions. The functions that central government retains include the following:

- Policy formulation,
- Policy enforcement,
- Inspectorate,
- Establishment of standards,
- Training,
- Curriculum development, and
- International representation.

In undertaking these responsibilities, line ministries have direct links with local authorities as instruments of service delivery over professional and operational issues. For the decentralisation process to be properly supported, some new institutions at national level were created. These include the Local Government Service Commission (LGSC), which is responsible for recruitment of and setting standards for council staff and the National Local Government Finance Committee (NLGFC), which regulates financial management of local governments.

CHAPTER FOUR

THE SET-UP OF A COUNCIL

In this Chapter, the following is discussed:

- **What is the set- up of a Council?**
- **Members of a Council?**
- **Service Committees**
- **The Council Secretariat**
- **Council Directorates**

1. What is the set-up of a council?

A council is made up of two parts, namely a political arm composed of councillors and other members and an administrative arm, called the Council Secretariat. Council offices are usually called Civic Offices. These offices comprise both administrative offices and the chamber for conducting council meetings. While councillors are elected and serve a five-year term, the Council Secretariat is managed by permanent council employees. In some instances, central government may second or appoint staff to work in councils for a specific period of time. This is a facility that is intended to provide councils with skilled people at a time when they cannot afford to recruit and maintain them using their own resources.

2. Members of a council

A council is made up of the following:

1. Elected Councillors,
2. Members of Parliament (MPs) from within the City, Municipality, Town or District,
3. Paramount Chiefs, Senior Chiefs and full Traditional Authorities, and
4. Five representatives of Special Interest Groups:
   - These are elected by their own fellow members to represent their interests in the council. (The council only identifies the special interest groups/constituencies such as women's groups, the youth, people with disabilities, people living with HIV and AIDS, the elderly etc.)

Note:

(a) MPs, chiefs and representatives of interest groups are ex-officio members of the council. As such they can neither be elected as Mayors, Chairpersons, Deputy Mayors, and Deputy Chairpersons, nor can they chair any of the council's service committees.

(b) Members of the Special Interest Groups cannot be elected or appointed from among the following: Political parties, losing candidates in the preceding elections, NGOs or Sub-Traditional Authorities. Special Interest Groups should represent a constituency of vulnerable or voiceless people in development.

(c) Among the council members, it is only councillors and MPs that vote on issues under debate.

Once councillors are elected into office, the District Commissioner (DC) or the Chief Executive Officer (CEO) calls for the first meeting of the council. The first part of this meeting is chaired by the DC or CEO with the sole purpose of facilitating the process of election of the Mayor or Chairperson, the Vice Chairperson and the Deputy Mayor. Only elected councillors are eligible to be voted into these positions. Thereafter, the Mayor or Chairperson takes charge of all subsequent full council meetings and the DC or CEO plays an advisory role to the council.

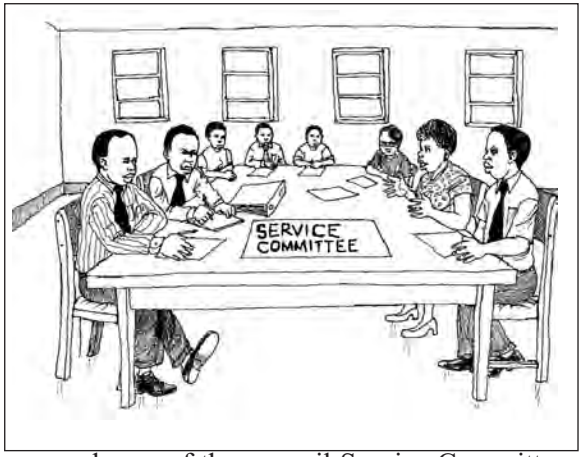
The term of office for council Chairpersons and Mayors (and their deputies) is determined through the Local Government Act. Currently, the terms are 2½ years and 1 year, for Mayors and Chairpersons respectively, with a provision of one re-election within the term. Mayors and Chairpersons are political heads of City and Municipal Councils, and Town and District Councils respectively.

Their roles are non-executive, but political. This means that they are not employees of the council. As such, councillors, inclusive of the Mayor/Chairperson, Vice Chairperson and Deputy Mayors are not expected to perform any administrative functions of the council.

Council meetings are open to the general public and the press, who may attend only to observe and listen to the proceedings. A council may, depending on the nature of business being transacted, decide by resolution to exclude members of the public from attending a part of a meeting or the whole of a meeting. Specific guidelines on the attendance and conduct of members of the general public and the press during council meetings are elaborated in the Standing Orders of the Councils.

3. Service Committees

Every council must have seven mandatory Service Committees. These committees are provided for in the Local Government Act. These committees facilitate the conduct of council business. Their duties include examining government policies and seeing how they can be applied at council level, to formulate by-laws and propose council activities in a given sectoral area (for example, health, finance, environment, etc.). The council Secretariat will provide some guidelines on the number of people to make up each one of the council Service Committees based on the proportion of party representation in the Assembly. However, councillors may indicate which committee he/she would wish to belong to, based on their expertise. Committees should not have more than 11 members.



Ordinary council meetings are expected to be held four times a year. However, Service Committees can meet more often when need arises. The following are the statutory Service Committees for councils in Malawi:

i. Finance Committee;
ii. Development Committee;
iii. Education Committee;
iv. Works Committee;
v. Health and Environmental Committee;
vi. Human Resources Committee

Councils can also:

- establish additional Service Committees at district level, or any other committees at village, ward and area level;
- establish joint committees: for example, two councils may be jointly responsible for the management of a natural resource or disaster;
- invite any specialist or other stakeholder to attend a committee meeting and take part in the deliberations of the meeting (but not to vote).

4. The Council Secretariat

The Council Secretariat is made up of appointed officials and other employees of the council. The head of the secretariat in district councils is called a District Commissioner (DC). In municipalities, towns and cities, they are called Chief Executive Officers (CEO).

The DC or CEO is the controlling officer of the council and is responsible for the day-to-day management of all operations and resources of the council. The Council Secretariat is responsible for implementation of decisions taken by the council.

5. Council Directorates

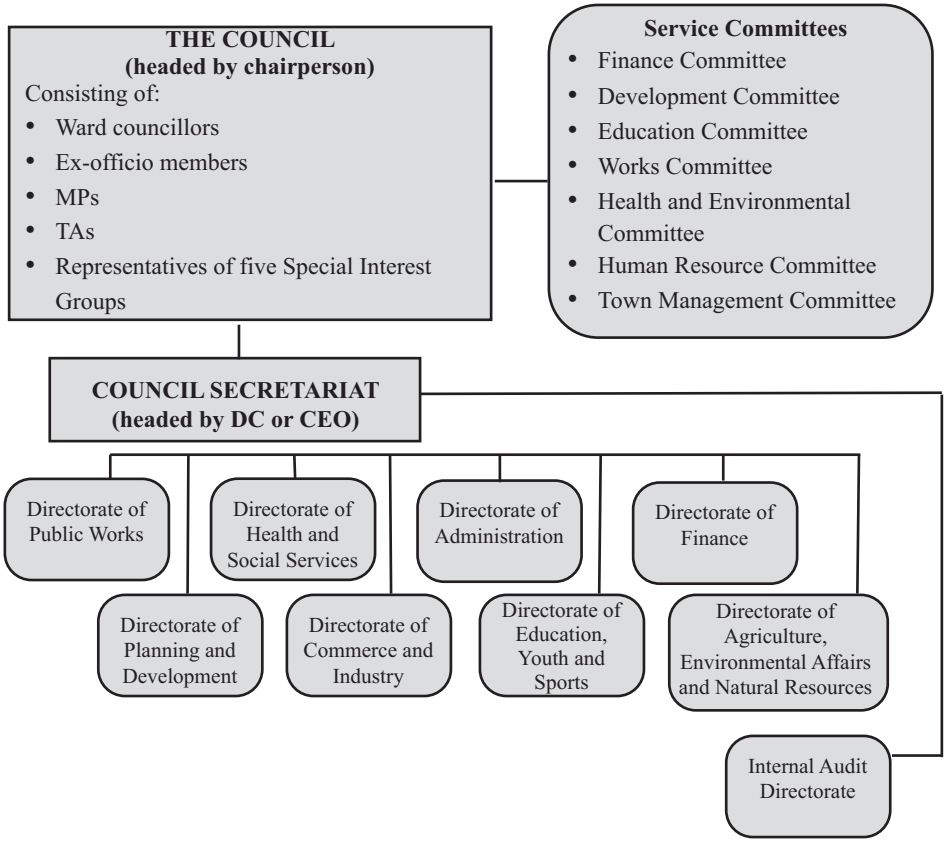
Just as a council has various committees to deal with specific issues, the Council Secretariat has directorates. Each directorate is headed by a director who is answerable to the DC or CEO. The following are some of the directorates that councils may have:

i. Directorate of Administration;
ii. Directorate of Agriculture, Environmental Affairs and Natural Resources;
iii. Directorate of Planning and Development;
iv. Directorate of Education, Youth and Sports;
v. Directorate of Finance;
vi. Directorate of Health and Social Services;
vii. Directorate of Public Works;
viii. Directorate of Commerce and Industry;
ix. Directorate of Engineering.

The number of directorates and their focus may be reviewed by individual councils from time to time depending on need.

Currently, the posts of DC and CEO are graded at Grade 'E'. According to the public service set-up and the Local Government Act, officers at this grade are appointed by the Minister. All other members of staff are employed by the council either through their Appointments and Disciplinary Committees or through the LGSC.

Figure 2: The Council Set-up



CHAPTER FIVE

RESPONSIBILITIES OF A COUNCIL

In this Chapter we discuss the following:

- **Functions of Councils**
- **Service delivery**

1. Functions of Councils

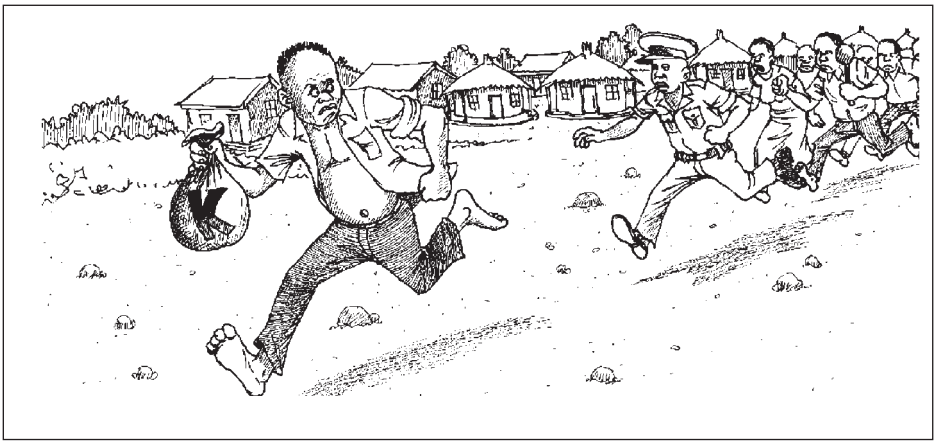
Councils perform various functions that are intended to achieve socio-economic development of the Local Government Areas and their citizens. Apart from performing civic functions, councils also carry out functions that are either delegated or devolved by central government institutions. Among the functions are the following:

i. To make decisions on local governance and development for a Local Government Area. Councils are in charge of solving issues which are specifically relevant to the people living within their Local Government Area. This means that councils have to translate national policy to specific situations of their Local Government Areas. For instance, within the national priority area of food security, a council must decide how best this priority can be achieved based on a peculiar situation of the area. If a district has erratic rainfall, the council could come up with small scale irrigation projects as a contribution towards attainment of food security. local governments can not, however, come up with their own policies that are contrary to national policy. For instance, a council cannot decide to implement a universal fertilizer subsidy programme when the national policy is for a targeted programme. According to the Local Government Act, a local authority could be suspended by the Minister if it came up with policies that are contrary to national policies.

ii. To promote infrastructural and economic development through development plans. Councils have inadequate infrastructure (such as roads, bridges, buildings) and investment (such as businesses coming into the areas). In most cases this is as a result of the councils having limited resources. As such, councils should come up with ways of mobilizing resources for infrastructural development in the area under their jurisdiction. In addition, councils also need to come up with ways of attracting investment to their districts. For example they should promote the potentials or advantages of their Local Government Area, such as proximity to the lake, favourable weather, and wildlife etc. To do this, councils must produce a development plan (every five years) which represents the overall strategy for the development and positive exploitation of resources within their Local Government Area.

iii. To mobilise resources within the Local Government Area for governance and development. For councils to develop, acquire better infrastructure, attract investment and provide high quality services they need resources. Councils can generate these funds from a number of sources. These will be discussed in a subsequent chapter. The council has a duty to decide on the level of charges that are levied on their citizens. In doing so, they need to take into account issues of affordability of the goods and services to their citizens.

iv. To maintain peace and security. Councils are responsible for fighting crime and maintaining law and order within their Local Government Area through community or municipal policing.



v. To make by-laws for the good governance of the Local Government Area. Central government makes laws through the National Assembly. These laws apply to the nation as a whole. However, there are some laws which apply only to specific Local Government Areas. Such laws are called by-laws, and are made by the councils. A council may, for example, come up with a marketing by-law to regulate and control trade in the Local Government Area. In order to ensure that such by-laws are consistent with national laws and policies, they are required to be approved by the Minister before they can take effect.

vi. To appoint, develop, promote and discipline some of their staff. Many different staff work for councils, such as directors, secretaries, revenue collectors and others. A council is responsible for recruitment, development, promotion and disciplining of its employees, except for directors, for which the LGSC is responsible and the DCs/CEOs, who are appointed by the Minister.

vii. To co-operate with other Local Governments. This may be done in order to learn from their experience and exchange ideas. Councils are encouraged to learn from each other because most of the times they have similar problems.

viii. To register births and deaths. Councils are responsible for the keeping of vital statistics such as registration of births, death and marriages. Such information is important for planning and decision making in the councils.

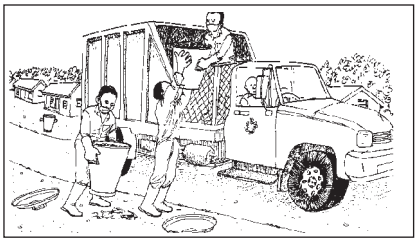
ix. To perform delegated functions. Councils are responsible for the performance and management of other delegated functions including, but not limited to the following: management and organisation of national elections, public events, and disaster management.

2. Service delivery

Service delivery refers to supplying people with services that are needed or demanded. This can be done by government institutions and organisations, private companies, NGOs or individual service providers. Central and local governments share the responsibility for the delivery of services to the people. Some of the specific services that local governments deliver include the following:

i. Environmental services

Among these services, councils are responsible for removing and disposing of refuse and sewerage, environmental reclamation and environmental education.

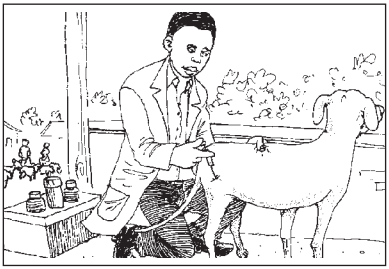


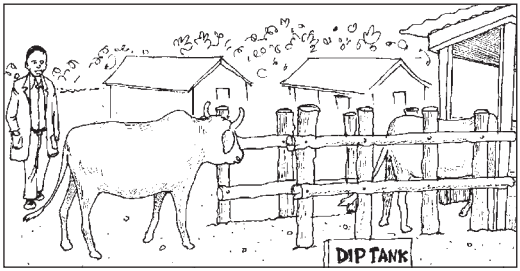
ii. Roads and street services

Councils are responsible for the construction and maintenance of all roads that are under their control. These roads include district roads, township roads, city roads, and feeder roads. They are also responsible for street naming.

iii. Agriculture, livestock and irrigation services

Services under agriculture include, crop and livestock extension, land and crop husbandry, food and nutrition, construction and maintenance of small dams.





iv. Water

Councils are also responsible for the provision and maintenance of water supplies including: boreholes, gravity fed piped water projects/schemes, protected wells and the distribution of water.

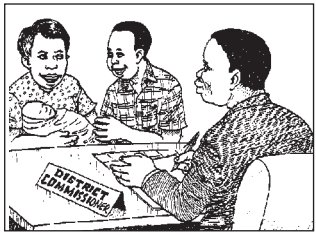
v. Public amenities

Councils are responsible for the promotion of recreation, leisure and culture, as well as the provision and maintenance of sports grounds, community halls, recreational parks, playgrounds, and other public conveniences.

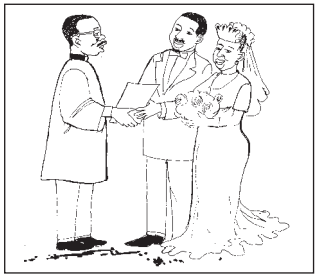
vi. Business

Councils also promote local economic development (LED) and regulate business and local tourism. This is done, among others, through licensing and inspection of small and medium businesses, groceries, retail and wholesale shops, garages, motels, private schools and clinics.

vii. Other services



Other services include the registration of birth, marriage, death, the issuance of respective certificates, and burial services. For citizens to access some of these services, they have to consult their local governments through their councillors.



To ensure that the services being provided by the councils are in line with the national policies and standards, local governments are monitored by central government, which sets minimum standards and provides the guidance. Central government will also ensure that capacity building programmes are in place to enable councils undertake these services.

CHAPTER SIX

ROLES OF A COUNCILLOR AND OTHER COUNCIL MEMBERS

In this Chapter, the following matters are discussed:

- **Who a Councillor is**
- **Relationship among Councillors, MPs, and TAs**
- **The roles and responsibilities of a Councillor**
- **The roles and responsibilities of an MP in a council**
- **The roles and responsibilities of a Chief in a council.**

1. Who is a Councillor?

Every Local Government Area is divided into a number of smaller areas through which people democratically elect someone to represent them at council meetings. These areas are called wards. The Local Government Elections Act provides for the number of wards in each council. A councillor is therefore, a person who is elected to represent the ward in the council.

SO MR PHIRI HAS BEEN ELECTED COUNCILLOR. HE MUST HAVE LANDED HIMSELF A FORTUNE
NO. NO. COUNCILLORS ARE NOT PAID FOR REPRESENTING THEIR WARDS.

He/she is concerned with matters relating to services provided by the council to the people of his/her ward and the district as a whole. Councillors are elected during Local Government Elections, which are held every five years.

Councillors live within the community that elected them and ought to take interest in knowing the problems and concerns of the people living in their ward. They do not earn a salary for representing their ward in the council. However, they receive allowances to pay for their transport and up-keep during council and committee meetings. They also receive honoraria to support their work in the wards. As such, people intending to contest as councillors should be very committed to serving their wards or communities in development work, as opposed to contesting in order to satisfy their financial requirements.

The current law on Local Government Elections does not provide for a specific academic qualification for anyone aspiring to contest to become a councillor. However, for one to be eligible to contest, they must fulfill specific criteria. The criteria are discussed in Chapter 11 of this guidebook. Albeit, people should preferably elect those candidates that can best serve their common interests in the council. An ideal candidate should have a good range of competencies in local government operations including communication, negotiation, leadership and other skills. He/she should be a person with a fairly good knowledge of development issues.

Many councillors are members of, and are elected on, a ticket of political parties. Some councillors are also elected as independent candidates. This, however, does not mean that councillors represent only those people that support their party or those that voted for them. They are required to represent the interests of all the people living in their ward, including minority groups. Once elected, councillors ordinarily cease to be associated with political parties since there are no distinct floors of either ruling or opposition parties or indeed independents' bench in the council. In addition to this, in the event that an elected councillor changes parties while in office, the question of crossing the floor does not arise in councils.

2. Relationship among Councillors, MPs and Traditional Authorities (TAs)

Apart from councillors, as voting members, other members of the council include MPs, Traditional Authorities (TAs) and representatives of Special Interest Groups as ex-officio. Even though MPs, TAs and representatives of Special Interest Groups are all ex-officio members of a council, they attend both council and committee meetings. MPs however, have a voting right while TAs and representatives of interest groups do not.

The roles of the above named members of council are complementary to each other. Therefore they are expected to work as a team since they all have an oversight function over council policy and operations. This means that any development programme/project brought to the council to be carried out at VDC/ADC level should be agreed upon by the community, the councillor, the MP and the chief.

Efforts should be made to bring harmony between and among members of the council. If members of the council are in conflict or competition, development work will be derailed and it will be the community that will suffer.

3. Responsibilities of a Councillor

Councillors have the following responsibilities:

i. To represent their wards in the council;
ii. To inform themselves about the views and needs of the people in their ward;
iii. To bring to the council local concerns that require council solutions;
iv. To make plans for development and service delivery covering all wards in a district, thereby ensuring that there is fair distribution of resources and development to all wards;
v. To prepare well for council meetings in order to fully understand the issues under discussion;
vi. To give feedback to the people in their wards about what has been decided in the council;
vii. To bring to the attention of MPs matters that require a national response strategy. Such matters are those that cannot be addressed through their inclusion in the District Development Plan (DDP);
viii. To initiate and contribute to debates in the council on local government matters and management of council resources;
ix. To ensure that there is transparency and accountability in the operations of the Council Secretariat headed by the District Commissioner (DC)/Chief Executive Officer (CEO);
x. To lobby MPs so that people in their wards receive adequate and quality national services such as security, electricity and relief in major disasters;
xi. To ensure that the DC and his/her secretariat adequately attend to local development needs;
xii. To provide a systematic check on the Council Secretariat expenditure and service delivery within their respective wards and the district as a whole;
xiii. To receive at the council level all proposals for local development plans (LDP), examine the proposals closely and pass a budget for the plan;
xiv. To help or facilitate implementation of local development.

The elected ward councillors are answerable to the voters. If they do not carry out their tasks and do not behave responsibly, the electorate can vote them out of office at the next local elections.

4. Roles and responsibilities of MPs in the Council:

i. To represent their constituents in the council;
ii. To bring to council concerns that require council solutions;
iii. To take to the national forum local concerns that require national solutions;
iv. To lobby from Government more resources for their council;
v. To provide a local level scrutiny on use of resources and delivery of services by the local authority;
vi. To provide feedback to the constituency on council resolutions;
vii. To participate in Area Development Committee (ADC) meetings;
viii. To participate in the voting process on issues under discussion in the council;

Unlike in many other countries, MPs in Malawi have a voting right in council meetings. Considering that a large proportion of resources for councils are appropriated from the national budget it is therefore important that MPs should provide a link between the councils and the National Assembly.

5. Roles and responsibilities of Chiefs:

i. To participate in council deliberations
ii. To ensure that council decisions are not in conflict with cultural values
iii. To mobilise communities to participate in local development
iv. To mobilise local resources for development implementation
v. To act as advisor to the Area Development Committee

CHAPTER SEVEN

THE ROLE OF CITIZENS

In this Chapter, the following topics are discussed:

- **Role of citizens in local governance**
- **How citizens can participate in local governance.**

1. Role of citizens in local governance

All citizens have an important role to play in local governance. Their main role is to participate in policy formulation, to take part in the implementation of development activities and to demand transparency, accountability and services from their council. This is one of the objectives of the decentralisation process which the Government of Malawi (GOM) adopted in 1998 as a way to empower communities and to deliver high quality services to the people.

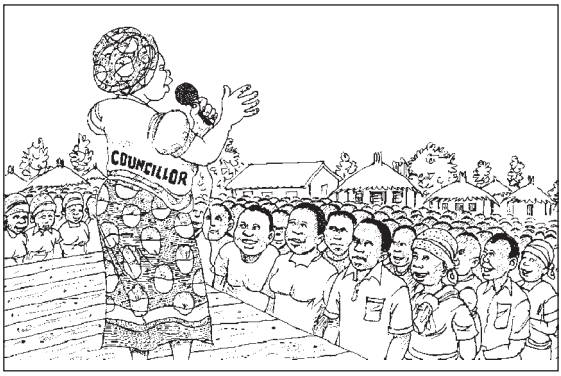
2. Ways in which citizens can participate in local governance

i. Political office and local elections

Citizens participate in local governance through Local Government Elections. Citizens can run for the office of a councillor and/or vote in Local Government Elections for candidates contesting in their wards. Participation of citizens in the electoral process will ensure that the councillors have the mandate of the populace.

ii. Interaction between the council and the citizens

Council meetings are supposed to be held at least four times a year. During these meetings councillors present and discuss important issues from their wards and the Local Government Area as a whole. At such meetings, residents of the local authority may apply for permission to attend and observe proceedings as they take place.



Before councillors attend council meetings, they are encouraged to hold open discussions with the electorate in order to receive development concerns that require council attention. In turn, councillors have to provide feedback to the electorate in order for the citizens to appreciate resolutions of the council and their implications.

In order for the ward councillors to fully represent the needs of the citizenry, citizens need to inform them about the issues that are important in their communities. This ensures that the councillor is knowledgeable of the people's views. These views and issues can thereafter be suggested for inclusion on the council meeting's agenda by their councillors.

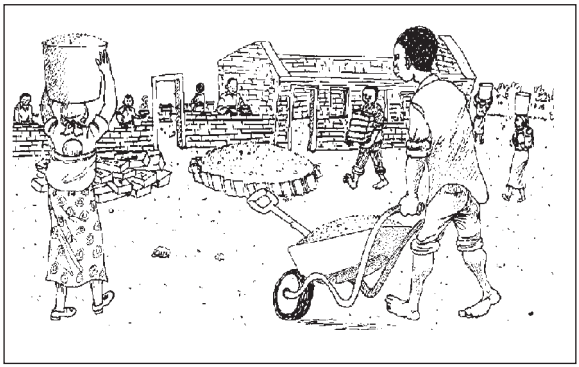
Whenever council meetings take place, citizens also have the right to call for meetings with their councillors to ask for feedback. At such meetings, citizens may pose questions to their councillors regarding the council's work.

iii. Service delivery

Councils are responsible for the delivery of services to the people. These services fall under various sectors. Examples are educational services, medical and health care, environmental services, infrastructure services and emergency services. The council provides these services through the Council Secretariat. For example, school going children in primary schools access educational services provided by the councils.

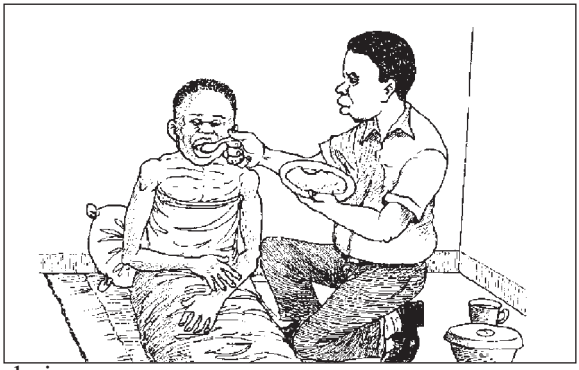
Whenever services provided by a council are not adequate, citizens have the right to contact their councillors to take the matter to the council. The council should therefore, consider discussing the matter to resolve it.

Citizens also help to provide or improve service provision in their Local Government Areas by volunteering to do development work such as construction of community buildings or home based care. In this way, they provide a service to the community.

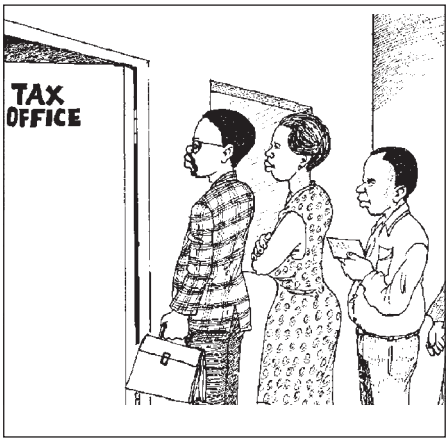


iv. Payment of taxes, rates and fees

For councils to deliver services and thereby fulfill their mandate, they need adequate financial resources. Citizens contribute to providing a large part of these resources by paying taxes (for example property rates) and fees. Payment of taxes, licenses, fees and charges by citizens is an obligation and not a matter of choice.



v. Participation in planning and implementation of development projects



Citizens, being residents of particular wards have a responsibility to determine how problems in their ward can be solved. This then means that citizens can design and arrange a sequence of activities required to implement a project. At the same time, since not all projects are totally funded, even to include paid labour costs, citizens can also volunteer to work in development projects without expecting to be paid. This is called community contribution. Even though the citizens are not paid in such cases, their contribution is given a monetary value and added to the other costs of the project to give a final value of the project.

As already discussed above, citizens also have a right to ensure that there is accountability and transparency in the way public resources are being used.

CHAPTER EIGHT

LOCAL DEVELOPMENT PLANNING

In this Chapter, the following topics are discussed:

- **National planning for poverty reduction**
- **Local Development Plans (LDPs)**
- **Participation in planning and implementation of development projects**
- **Development Committee**
- **Planning system for Urban Councils**

1. National planning for poverty reduction

The Government of Malawi has a number of development programmes which it is implementing in order to achieve sustainable economic growth and development. These programmes are being guided by the Malawi Growth and Development Strategy (MGDS) II, the country's medium-term development strategy, with a view to eradicate poverty. The LGS contributes to the achievement of a number of themes of the MGDS II. The MGDS has identified nine priorities which when fully addressed will result in the improvement of the welfare of the Malawians. The priorities are:

i. Agriculture and Food Security;
ii. Energy, Industrial Development, Mining and Tourism.
iii. Transport and Infrastructure and the Nsanje World Inland Port Development;
iv. Education Science and Technology;
v. Public Health, Sanitation, Malaria and HIV/AIDS Management;
vi. Integrated Rural Development;
vii. The Green Belt Irrigation and Water Development;
viii. Child Development, Youth Development and Empowerment;
ix. Climate Change, Natural Resources and Environmental Management;

The Malawi Government has recently formulated an Economic Recovery Plan (ERP) that focuses on a few priority areas of the MGDS II. The Recovery Plan embraces a set of immediate (within 3 months), short term (1 year), and medium term (2-5 years) policy reforms aimed at restoring external and internal economic stability. It further proposes measures to cushion the vulnerable from the impact of any reforms particularly the exchange rate policy. In addition, the plan proposes increasing resource allocation to areas that would address constraints to economic growth and those that aim at boosting production for the export market. Specifically, the ERP is focusing on five sectors namely: agriculture and food security, energy, mining, public works and ICT, and tourism. It is envisaged that through these five focal sectors, Malawi would be able to attain quick development gains in the immediate, short term and long term period for the betterment of the people.

Programmes funded by both government's own resources as well as donors are implemented in order to contribute to the priority areas. The programmes are also the country's response and contribution towards the attainment of the UN Millennium Development Goals (MDGs), namely:

- Goal 1: Eradicate extreme poverty and hunger
- Goal 2: Achieve universal primary education
- Goal 3: Promote gender equality and empower women
- Goal 4: Reduce child mortality
- Goal 5: Improve maternal health
- Goal 6: Combat HIV/AIDS, malaria and other diseases
- Goal 7: Ensure environmental sustainability
- Goal 8: Develop a global partnership for development

Delivery of the MGDS priorities and the attainment of the MDGs can better be achieved if local communities are involved in the design and implementation of programmes and projects. This is why government is localising the MGDs thereby enhancing the contribution of the councils towards the attainment of the same.

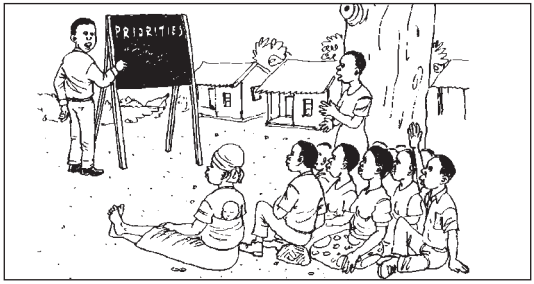
2. Local Development Plans (LDPs)

Section 6 (1) (c) of the Local Government Act empowers local authorities in Malawi "…to promote infrastructural and economic development by formulating, approving and implementing Local Development Plans (LDPs)". Due to the fact that local authorities have numerous needs and inadequate resources, they need to plan and prioritise the needs to be included in the LDPs. The LDPs will seek to translate the MGDS priorities into district specific projects and programmes.

The LDPs that are developed are either called District Development Plans (DDP) in district councils or Urban Development Plans in city, municipal and town councils. It is expected that only those projects that are in the respective LDPs should be funded in a council.

The production of a development plan is guided by the District Development Planning System (DDPS). The first step of the system is to examine and document what the council has and lacks. The second step is for the council, through the District Executive Committee (DEC), to produce a document known as a Socio-Economic Profile (SEP) of the Local Government area. The profile provides information on the population in a Local Government area, what they do for their living, what food they depend on, where the most urgent development needs are etc. The last chapter of a SEP presents issues of a particular Local Government Area ordered by priority. This information helps the council to plan for its development programmes.

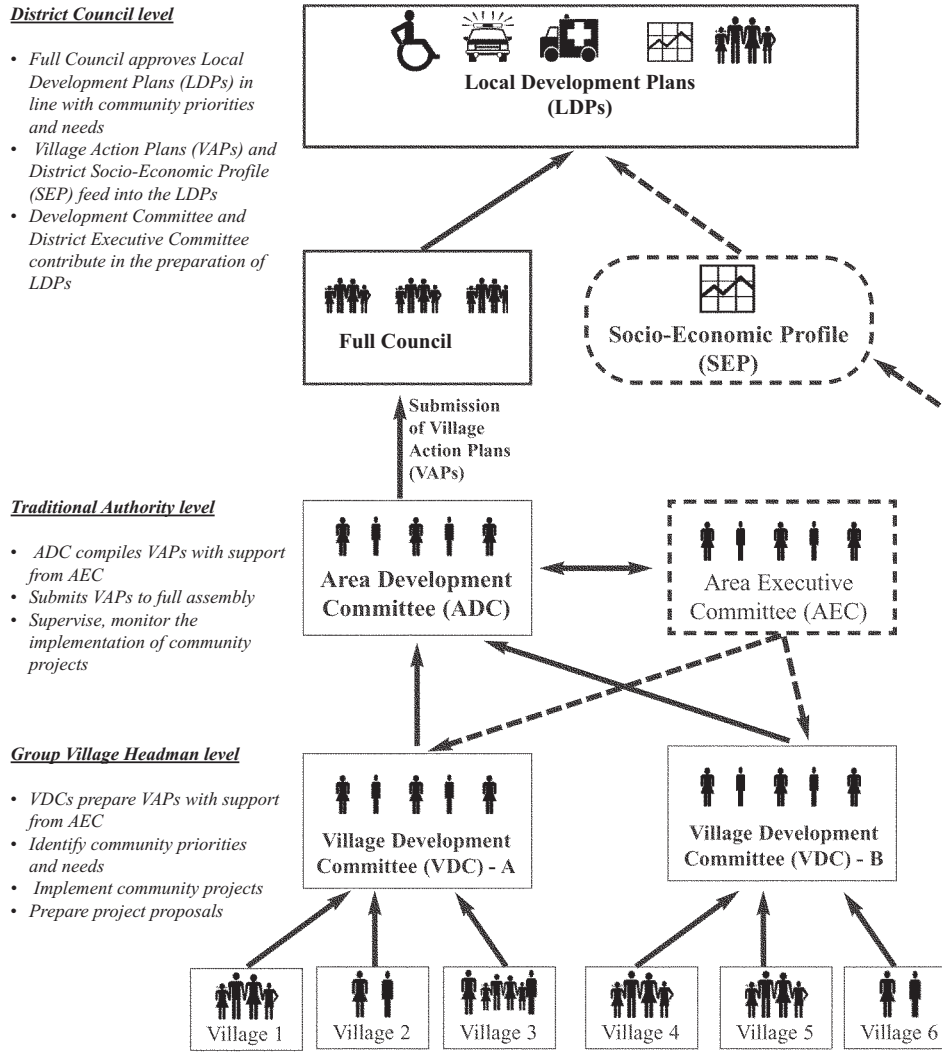
The DDPS ensures that planning is done in a participatory process and follows the bottom-up approach (from community level going upwards to the ADC, DEC and council). At the village level, residents carry out village action planning whereby Village Action Plans (VAPs) are produced. Through VAPs, community members define their most urgent development needs, prioritise them and suggest solutions. These are then submitted to the council for inclusion in the LDP.



A LDP (DDP and UDP) should, therefore, be viewed as the overall master plan for all development projects in a Local Government Area. This means that all development agencies, including NGOs and donors, must consult the councils in order to identify and implement (from the LDP) only those projects that address people's priority needs.

It is, therefore, crucial that citizens who are beneficiaries of development plans continuously participate in their formulation, implementation, monitoring and evaluation.

Figure 3: Producing a Local Development Plan (LDP)


District Council level
• Full Council approves Local Development Plans (LDPs) in line with community priorities and needs
• Village Action Plans (VAPs) and District Socio-Economic Profile (SEP) feed into the LDPs
• Development Committee and District Executive Committee contribute in the preparation of LDPs
Local Development Plans (LDPs)
Full Council
Socio-Economic Profile (SEP)
Submission of Village Action Plans (VAPs)
Traditional Authority level
• ADC compiles VAPs with support from AEC
• Submits VAPs to full assembly
• Supervise, monitor the implementation of community projects
Area Development Committee (ADC)
Area Executive Committee (AEC)
Group Village Headman level
• VDCs prepare VAPs with support from AEC
• Identify community priorities and needs
• Implement community projects
• Prepare project proposals
Village Development Committee (VDC) - A
Village Development Committee (VDC) - B
Village 1
Village 2
Village 3
Village 4
Village 5
Village 6

3. Participation in planning and implementation of development projects

Citizens need to take part in the planning process of the council in their wards in order for the council to include their priorities in the budget. Once funds for development projects have been identified, citizens need to participate in the implementation of the projects. This can be done in various ways, such as contributing materials and/or labour, monitoring and supervision of council projects, and reporting to the council through their councillors. The people may participate in the planning and implementation of development projects through the following structures:

- Village Development Committee (VDC);
- Area Development Committee (ADC);
- Area Executive Committee (AEC);
- District Executive Committee (DEC);

i. Village Development Committee (VDC)

The VDC is made of representatives from a village or group of villages. It is important in the planning system of a council because it is a structure closest to the citizens. The committee facilitates planning and development at the community level.

The functions of VDCs are:

- identifying and prioritising community needs as well as preparing project proposals and submitting these to ADCs;
- communicating on community-based issues with the ADC and DEC;
- supervising, monitoring and evaluating implementation of development activities in the villages;
- initiating community self-help activities;
- encouraging and bringing together community resources for people's participation in self-help activities;
- reporting to the relevant Group Village Headmen (GVH) on the discussions and activities of the committee.

The composition of a VDC is as follows:

- one elected member from each village covered by the VDC;
- the councillor of the ward in which the VDC is located;
- four women representatives nominated by people within the VDC;
- an extension worker, nominated by the AEC and
- GVH as advisor (not chairperson)

Members of the VDC elect a chairperson, vice-chairperson, secretary, and treasurer. If a man is elected chairperson of the committee, the vice-chairperson is elected from among the women members. The GVH and the extension worker cannot be elected chairperson of the VDC. The GVH should advise the VDC and other committees within their area.

Other extension workers can attend VDC meetings to discuss any developmental issues when they are invited. Membership of the VDC should not exceed 16 people. The VDC should serve for a maximum period of five years in line with election years. An exception is made only for councillors, who are members of VDCs until the end of their term of office.

ii. Area Development Committee (ADC)

An ADC represents all VDCs in a Traditional Authority (TA) area. The functions of ADCs are:

- setting priorities and identifying and preparing project proposals ad-
- dressing community needs, which cover more than one VDC;
- organising monthly meetings together with VDCs from their area;
- supervising, monitoring, and evaluating the implementation of proj-ects at TA level;
- bringing together community members and resources for self-help proj-ects;
- improving on and prioritising project proposals from VDCs for sub--mission to DEC.

The members of an ADC are:

- VDC chairpersons and vice-chairpersons;
- Councillors from within the TA area;
- Members of Parliament whose constituencies are in the ADC;
- A representative of a network of the CSOs;
- Representatives of faith groups;
- Representatives of youth and women groups in the area;
- Representatives from the business community;
- Chairperson of the Area Executive Committee (see below).

Members of the ADC elect a chairperson. The TA and Sub-Traditional Authority (STA) should not be elected as chairperson of the ADC. The TA and STA should advise the ADC and other committees within their areas.

The term of office for all ADC members is five years in line with local elections.

iii. Area Executive Committee (AEC)

An AEC is responsible for advising the ADC on all aspects of development for the community within a TA area. AECs also advise ADCs on project identification and preparation of project proposals for community projects.

The functions of the AEC are:

- assisting and advise the ADC to identify and prepare proposals;
- carrying out field appraisals of proposed projects;
- reviewing project proposals before submitting them to the DEC for consideration;
- conducting data collection and analysis at community level;
- monitoring the implementation of community projects;
- taking a lead in the re-organisation of VDCs;
- training and assisting VDCs in setting their own guidelines and come up with development projects.

Since there are many extension workers from different sectors and NGOs in a TA area, it is necessary to limit the number of extension workers who can be AEC members, to ten (10), 40% of whom must be women. AEC members should be elected on a rotational basis from among the rest of the extension workers from sectors and NGOs in the TA area. The members should serve for a period of 2½ years.

iv. District Executive Committee (DEC)

The DEC is a technical and advisory committee to the council and to all of the above-mentioned committees. The committee has the overall responsibility of the day- to- day implementation of the LDP.

The functions of the DEC are:

- assisting in setting priorities, identifying community needs and assessing project proposals;
- giving special support to the formulation of LDPs;
- giving advice on project implementation;
- training all development committees (VDC, AEC and ADC) in leadership and management skills;
- coordinating district policies and activities with national policies;
- advising District Councils on sectoral policies and programmes.

The members of the DEC are:

- District Commissioner (DC) or Chief Executive Officer (in the case of Urban Executive Committees) as chairperson;
- Director of Planning and Development as secretary;
- Heads of council directorates and devolved sectors;
- Representatives of other government institutions;
- Representatives of CSO networks;
- Heads of parastatals at district level.

The DEC is free to form sub-committees or task forces to help with other tasks e.g. Development Advisory Teams (DATs), District Environment Management Committees etc.

v. Development Committee

The Development Committee is one of the service committees of the council, which has the responsibility to coordinate development initiatives at council level. It reviews and submits the draft SEP and LDP to the full council for consideration and approval. The committee also oversees the implementation of the LDP.

vi. Planning system for urban councils

The planning system for an urban council (cities and towns) differs slightly from that of district councils. Residents in urban councils have a role to play in ensuring that the council delivers services that are required by them. Their participation extends from analyzing the situation, through planning, design and implementation of projects, to monitoring and evaluation. For urban residents to participate in the planning and implementation of development projects, the following structures are used:

- Neighbourhood Committees;
- Ward Committees;
- Urban Executive Committees.

a. Neighbourhood Committees;

A Neighbourhood Committee is a group of residents representing people that live in neighbouring streets or blocks in a township/residential area that can be identified by their similarities and access to common facilities for service provision. A neighbourhood ideally covers an area with a radius of 0.5 to 1.5km.

The committee comprises 10 people and their block leaders. The chairperson is elected from among the members. Committee members are nominated based on their knowledge of the areas' needs, commitment to volunteering, and variety of skills. By design, 40% of the membership includes women. A neighbourhood committee serves for a period of 2½ years.

b. Ward Committee

A ward is defined as a political or administrative sub-division of a local authority from where a councillor is elected to represent the interests of the people in that area. For the LGS in the urban councils to function effectively, councils are obliged to establish ward committees. Members of ward committees are councillors, Members of Parliament, representatives of neighbourhood committees, and repre-sentatives of CSOs.

c. Urban Executive Committee (UEC)

The Urban Executive Committee is a technical team of an urban council comprising heads of council departments, devolved sectors, as well as representatives of utility service providers that operate in a particular council. The CEO of the council chairs this committee, which, based on need, can co-opt other CSOs and government institutions that operate within the council. Besides the UEC, urban councils also have Town and Planning Committees whose functions and composition are provided by the Town and Country Planning Act.

CHAPTER NINE

HOW COUNCILS ARE FUNDED

In this Chapter the following topics are discussed:

- **Sources of revenue for councils**
- **Transparency and accountability in councils.**

1. Sources of revenues for councils

For councils to carry out their responsibilities and functions, they need financial resources. The Local Government Act identifies the following three sources of revenue for councils: locally generated revenues, government grants and ceded revenues.

i. Locally generated revenue

Locally generated revenues are funds that councils mobilise from sources within areas under their jurisdiction. Considering that councils are public entities, all funds collected by them are public resources. As such, citizens have a right to know how these resources are used. They therefore have a duty to demand that councils provide commensurate services or improve the quality of service. This helps to ensure accountability on the part of the councils, and enhance community participation in a decentralised system of government. These revenues include property rates, ground rent, fees and licenses, service charges and commercial undertakings.

a. Property rates

These are taxes on assessed values of land and properties that are paid by individuals, organisations, companies or government institutions who own land or buildings within rateable areas of councils. These property rates are billed twice a year or as frequently as a local authority determines. The amount of property rates/taxes to be paid depends on the assessed value of the land and building that one owns.

This source of funds contributes the biggest percentage of revenues in budgets of urban councils. Comparatively, district councils that do not have rateable urban councils (e.g. Ntchisi, Nsanje, Chitipa, just to mention a few) are not yet empowered to collect taxes from this source of revenue and as such they depend largely on market fees as the main source of locally generated revenue.

a. Ground rent

These are payments made by individuals, organisations or companies for lease or use of land (such as plots and estates) owned by the council.

b. Fees and licenses

Fees are revenues collected from traders or owners of different businesses that either run services or trade in markets within the councils. The fees charged depend on the type of services and goods traded. On the other hand, licenses are revenues that councils collect from entrepreneurs to allow them to carry out their businesses upon meeting set minimum conditions. Councils reserve the right to issue or withdraw such licenses if delivery standards are below par.

d. Service charges

These are fees collected by councils for rendering services to individuals, organisations or companies. Such services may include provision of services such as fumigation, decoration, empting of sludge etc.

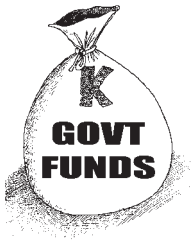
e. Commercial activities

Apart from ensuring that private businesses are operating in good environment, some councils also run their own business ventures such as motels, rest houses, nurseries for trees and flowers etc. Revenues collected from any such businesses are used to meet different obligations by the council.

ii. Central Government Transfers

Central government has an obligation under the Constitution to provide adequate resources necessary for the proper exercise of local government functions. The 1998 Decentralisation Policy goes further by specifying that

central government will make available to districts at least 5% of national revenues, excluding grants, to be used for the development of districts. At the moment central government transfers are for the recurrent part of the budget and made either as a General Resource Fund (unconditional) or as earmarked transfer (conditional grants) – these are further explained in a section below.



In order to distribute these resources objectively, an Inter-Governmental Fiscal Transfer System (IGFTS) was developed.
The system has formulae that are used to determine how much should be disbursed to councils. The formulae use a number of demographic and development indicators such as population size, literacy rates, mortality rates etc. The transfers form part of the council budget.

In addition to the grants mentioned above, central government also provides funding for personal emoluments for all seconded staff in councils.

a. Conditional grants - sector funds

Conditional grants are funds that are exclusively earmarked for imple mentation of activities for a particular sector or programme. This means that the use of these cannot be changed by councils. Examples of conditional grants include sectoral grants for implementation of devolved functions. At the moment budgets for fifteen sectors have been devolved to the councils.

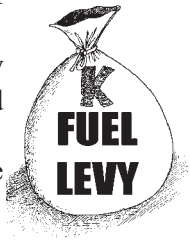
The current disbursement of sectoral funds as conditional grants is intended to guard against discretionary use of funds in sectors and activities others than those intended. The ultimate goal of government is to disburse funds to councils as a block grant. How soon this will be achieved depends on the conduct of councils in financial discipline and their ability to develop and implement integrated work plans.

b. Unconditional grants

The General Resource Fund (GRF) is the unconditional grant that government transfers to local governments. They are disbursed on a monthly basis and the council has full discretion in deciding the allocation of this fund in its budget without seeking any further guidance from central government. This therefore means that the local governments have the freedom to use the funds either for service delivery or indeed to meet any financial gaps that would exist in the council. Government however expects local governments to use a minimum of 25% of the GRF for service delivery.

c. Ceded revenue

Ceded revenues are non-tax revenues that were intended to be collected by various government agencies on behalf of central government and thereafter redistributed to local governments, using a formula. While this source is legally available, as a country, Malawi has not yet operationalised it. The Decentralisation Policy lists the revenues to be ceded as toll fees, gambling and casino fees, fuel levy/fee (road maintenance levy), motor vehicle registration fees and industrial registration fees.



iii. Development partner and NGO funds

These are revenues that may be obtained from development partners or Non-Governmental Organisations (NGOs). Grants from NGOs are usually tied to activities in a certain field, depending on the expertise of the NGO. NGOs may either make direct disbursements to the council or implement by themselves programmes and activities emanating from the council's development plan. On the other hand, financing from development partners usually comes in foreign denominated currencies. For such disbursements, however, there is a requirement that all funding should be made through the Ministry of Finance which ensures equitable distribution of funds to councils in the country.

iv. The Local Development Fund (LDF)

The Local Development Fund (LDF) is a nation-wide financing mechanism for local development that has been established by the Malawi Government to support decentralization and achieve sustainable development. The Fund is designed to provide resources for all local authorities through an indicative planning framework (IPF) as a basis for local authorities to align their projects with their local development plans. Local authorities access financing for the LDF through four financing windows, namely: Community Window (CW), Local Authority Window (LAW), the Urban Window (UW) and the Performance Window (PW).

The Windows serve the following purposes:

a. Community Window (CW)

This window finances demand-driven community investments and services which are directly managed by them. Under this window, communities plan, implement, monitor and sustain their own development projects, which address their priorities. .

b. Local Authority Window (LAW)

This window finances projects that cut across more than one community or Traditional Authority. Such projects are identified by the council, from within an Annual Investment Plan. Depending on the project type, beneficiary communities will be involved in discussions relating to location, ownership, operations and maintenance of the assets once completed. Under LAW projects, some members of poor households are engaged and they earn a wage for working on investment projects that also benefit their communities.

c. Urban Window (UW)

This window is aimed at developing and improving economic services through provision of infrastructure in urban centres. Such projects are to support potential economic growth points and improve the capacity of local authorities for revenue generation and provision of services. UW projects are labour intensive and also require large capital outlay.

d. Performance Window (PW)

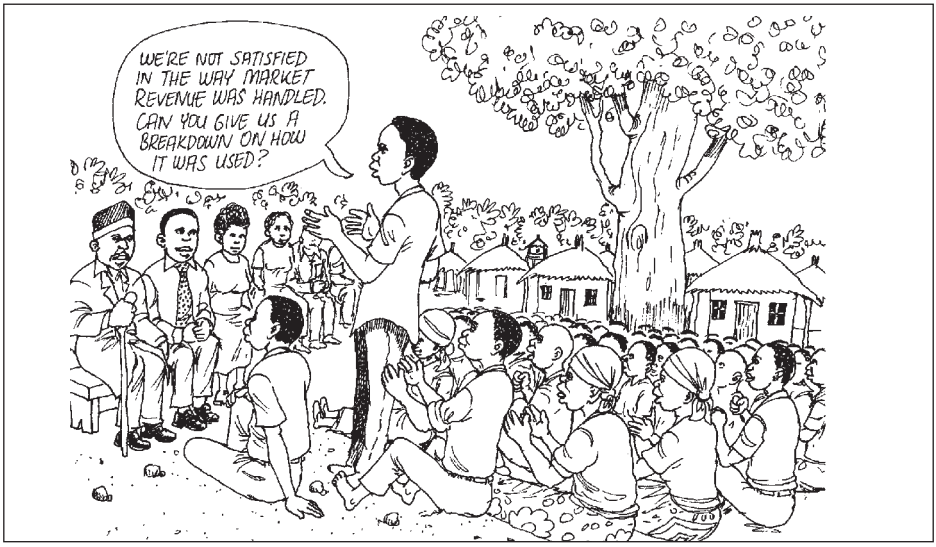
This window is to be used to reward success and to address problems. The funds may be managed using the LAW, UW or CW. This would be the decision of the council that earns a bonus.

v. Loans and overdraft from within Malawi

The Local Government Act allows councils to obtain overdrafts and loans from local financial institutions such as banks. Overdrafts may be used to address short-term regular expenditure needs. On the other hand, loans are intended to assist councils make long-term investments. Council approval is required before an overdraft can be obtained. However, for a council to obtain a long-term loan, it must have the approval from the Minister of Finance in line with the Public Finance Management Act.

2. Transparency and accountability in councils

All the funds discussed above are available to the councils as public resources. Since the funds are intended to help the councils carry out their activities and deliver services to the people, councils are expected to be transparent, exercise sound and efficient financial management practices and to account to the population they serve in terms of services that match with value for money spent and to the central government in terms of compliance to set accounting and auditing standards. Councils are therefore supposed to be transparent and accountable and must be ready to justify their expenditure.



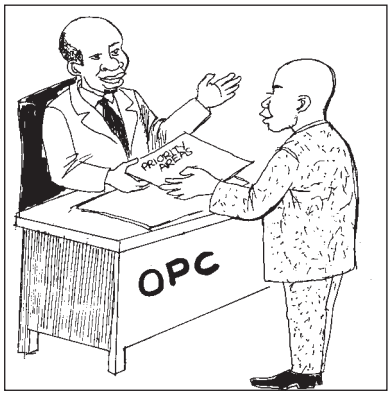
CHAPTER TEN
IMPLEMENTERS OF THE DECENTRALISATION PROCESS

In this Chapter, the following institutions are discussed:

- **The Office of the President and Cabinet (OPC)**
- **The National Assembly**
- **The Ministry of Local Government and Rural Development (MLGRD)**
- **Line Ministries**
- **The National Local Government Finance Committee (NLGFC)**
- **The Local Government Service Commission (LGSC)**
- **The Malawi Local Government Association (MALGA)**
- **Other committees**

1. The Office of the President and Cabinet

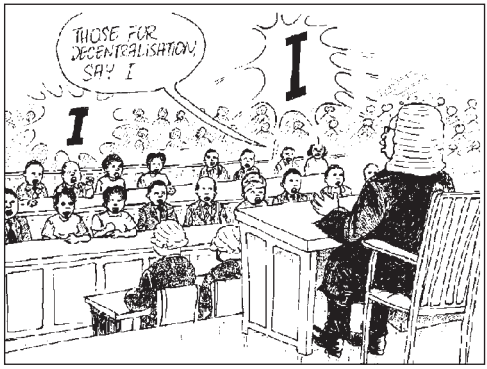
The Office of the President and the Cabinet (OPC) is very important in supporting the decentralisation process. This is because it identifies the most important areas for the government to focus on. It facilitates all government reform programmes, including that of decentralisation. Since local governments are part of the public service, they too are subject to the instructions from OPC. OPC is from time to time provided with updates on the status of decentralisation. This is further used as basis for new directives to the facilitating Ministry (MLGRD) and all the devolving sectors.



For Malawi to embark on the decentralisation process, it had to take commitment from the country's cabinet to commission a series of studies on decentralisation initiatives should be carried out. This culminated in

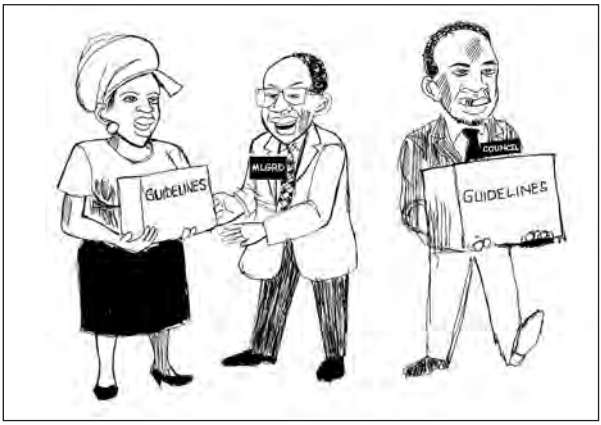
the drafting of the Decentralisation Policy, and subsequently its approval by the cabinet in 1998. Above all, commitment from the country's President is critical for the successful transfer of functions to local governments and the empowerment of both urban and rural communities to plan and implement programmes and projects that directly benefit them.

2. The National Assembly (Parliament)



Members of Parliament (MPs) who meet in the National Assembly have the responsibility to make laws that, among others, create and guide operations of local governments. After the national Decentralisation Policy was approved by cabinet in 1998, a draft law was prepared and presented to the National Assembly. The bill was subsequently discussed and passed by parliament for it to become law (Local Government Act) in 1998. The Policy and the Act are the documents that give the legal basis for the creation of 35 councils in the country and the transfer of functions to the councils.

3.The Ministry of Local Government and Rural Development (MLGRD)



This Ministry is responsible for coordinating the decentralisation process through which functions are transferred from Capital Hill to local governments and ensuring that the Local Government System is operating effectively.

This is done through the facilitation of the development and implementation of sector devolution plans in cooperation with various ministries and government departments. The Ministry also sets standards for service delivery and monitoring adherence of the same for local governments. Among others, facilitation of the decentralisation process is guided through the National Decentralisation Programme (NDP), which is now in its second phase.

Apart from facilitating the transfer of functions as well as financial and human resources, the Minister is responsible for ensuring that political and administrative authorities are also transferred to local authorities. In order to keep the political and administrative machinery at the local authority level regulated, the Ministry monitors that power as decentralised by government is exercised through councils in the framework of guidelines based on national regulations.

4. Line Ministries (Sectors)

As explained in an earlier Chapter of this guidebook, as part of the decentralisation process, initially a total of 11 sectors including Health, Education, Water, Agriculture, and others were directed to transfer some of their functions to the local governments. To date, 15 sectors have actually devolved and the process continues in order to achieve complete devolution.

The sectors, through the facilitation of the Ministry of Local Government and Rural Development, prepared Sector Devolution Plans which specify the functions to be transferred to the local governments. The sectors went further to prepare and distribute to councils guidelines for management of transferred functions to assist councils to effectively carry out or implement those functions. These guidelines are used as a reference material in the planning, implementation, monitoring and evaluation of various sector programmes and activities at council level.

Despite transferring some of their functions, ministries continue to play an important role. They set standards for the implementation of functions and monitor the council's performance to ensure that they comply with the standards. Other functions played by ministries in a decentralised setting are recorded in the Decentralisation Policy.

5. The National Local Government Finance Committee (NLGFC)

The NLGFC was set up by an act of parliament. Its function is to ensure that councils have funds to do their functions and that these funds are well managed. The NLGFC also consolidates the budgets of all councils and supervises their accounts.

6. The Local Government Service Commission (LSGC)

The LGSC is a constitutional body set up by an act of parliament. The LGSC is responsible for the recruitment of all staff in the councils other than District Commissioners (DCs) and Chief Executive Officers (CEOs). It also sets rules and procedures for people working in the Council Secretariats.

7. The Malawi Local Government Association (MALGA)

MALGA is a non-governmental independent association of local authorities in Malawi. All local authorities are therefore free to be members of the association. Councils are represented in MALGA by their elected Chairpersons/Mayors. Depending on the size and other agreed criteria, some councils are allowed to be represented by more than one elected councillor.

MALGA's main role is to represent, lobby for and defend the interests of councils. In other words it is the mouthpiece of the local authorities.

8. Other Committees

Apart from the institutions mentioned above, there are also some critical committees at national level, which are coordinating the decentralisation process. These include the Cabinet Committee on Local Government and Rural Transformation, a committee of Principal Secretaries and the Inter Ministerial Technical Committee on Decentralisation (IMTCD), a committee of technical staff from relevant government departments and ministries. There is also a committee of Government of Malawi, donors and development partners that support the decentralisation process. These institutions and committees jointly contribute towards the successful implementation of the decentralisation reform.

CHAPTER ELEVEN

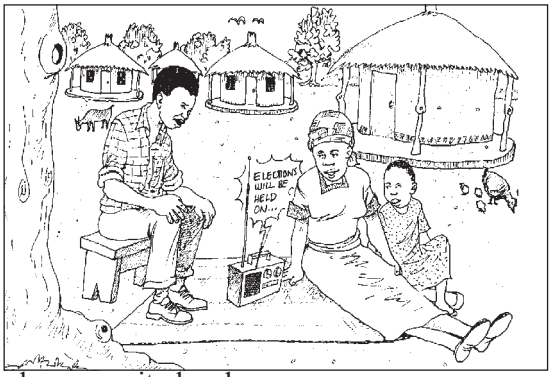
LOCAL GOVERNMENT ELECTIONS

In this Chapter, the following topics are discussed:

- **When Local Government Elections (LGE) are held.**
- **Candidates in LGE.**
- **Registration and voting;**
- **Free and fair elections;**

1. When are Local Government Elections held?

The Malawi Electoral Commission (MEC) has the mandate and powers to organise and conduct Local Government Elections (LGE). These powers are given to the Commission through the Malawi Constitution and the Local Government Elections Act. The first LGE under a multi-party system of Government in Malawi were held on 20th November 2000. Through these elections, 861 councillors were elected. While a number of these councillors represented political parties, some were elected on independent tickets. The term of office for these councillors came to an end in March 2004. Since then, the country has had no councillors. The reasons for not conducting the elections have been discussed both at national and local community levels.



Currently, electoral laws were amended to provide for the holding of Tripartite Elections, through which the President, Members of Parliament and councillors will be elected on the same day, in May 2014. Besides ensuring that there is predictability in holding LGE, Tripartite Elections might also solve the problem of low voter turn (in LGE) as experienced in the year 2000, which was estimated at 14%.

2. Who can be a candidate in LGE?

Whenever, the period towards elections approaches, political parties identify candidates to represent them. Similarly, individuals wishing to contest election as independent candidates also make up their decisions. While different political parties may have their own way of identifying candidates, they all make sure that their candidates are popular among their party followers and the electorate. For candidates purporting to be sponsored by political parties, proof of endorsement of their candidature by the sponsoring party is required before they can be nominated or accepted as candidates.

Every citizen of the country is free to stand and contest for elections as a councillor, as long as at the time of presentation of nomination papers:

- The person has attained the age of 18 years;
- The person is able to speak and read English;
- The person is a registered voter;
- The person is not a citizen of another country;
- The person is not mentally unsound;
- The person has not been convicted by a competent court of any crime involving dishonesty or moral turpitude, within the last seven years;
- The person should not have been declared bankrupt by any court in Malawi;
- The person does not hold any public office or appointment;
- The person does not belong or serve in the Defence Force or Malawi Police Service;
- The person has not been convicted of any crime relating to elections within the last seven years.

The LGE Act provides for specifics on eligibility of persons wishing to stand in LGE. Those meeting the above criteria can then obtain councillor's nomination forms from an elections officer at council offices. Once the forms are filled, the candidate presents them to the council elections supervisor, usually either a District Commissioner or Chief Executive for examination and submission to the MEC.

A councillor's service begins as soon as elections are held and one has been declared a winner by MEC. In Malawi, councillors do not earn a salary for their position. However, they do receive allowances whenever they attend authorized council meetings and business. This therefore calls for only those with the interest, motivation and commitment to serve the community to contest as candidate. Councillors may, however, earn respect from their fellow community members for their commitment to voluntary work and facilitation of development.

3. Registration and voting

Voting in LGE is the only mechanism that enables a resident of a local authority to elect a councillor. For any resident of a local authority to vote during local elections, one first has to register with MEC at a registration centre within the ward where he/she would like to vote. This place could be closer to where the person lives or is doing business. Voter registration usually takes place several months before elections. Procedures for registration are determined by MEC and may change from time to time. This therefore necessitates that people that already registered and voted in previous elections still need to go to the registration centre to verify that their name is in the voters' register.

A person is qualified to register as a voter if:

- One is a citizen of Malawi. Non-Malawians, who have lived in the country for seven consecutive years, are also allowed to register and vote;
- One is 18 years old or over on the day of registration.

For a person to be accepted to register as a voter one needs to produce proof that he/she is eligible. The following documents can be used:

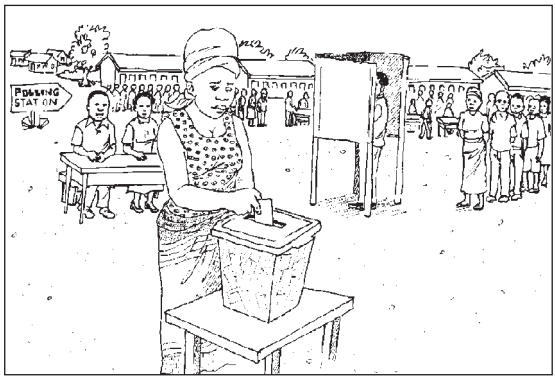
- Passport;
- Driver's licence;
- Marriage certificate;
- Tax certificate;
- Employment identity card;
- Birth certificate.

For those that may not have any of these documents, they can still register if any of the following people, bears witnesses for them:

- A chief or village headman/woman who knows the person;
- A registered voter who knows the person;
- A registration officer at the registration centre.

Upon registration, one receives a voter certificate, which is used to identify him/her as a voter on the polling day.

4. Voting Process



Voting in LGE is by secret ballot, unless one requires assistance. (e.g. in case of disability) The voting process begins with identification of the voter in the voters' roll. Once a voter is identified, he/she is given a ballot paper which has pictures, names, parties and symbols of all candidates contesting as councillors in the ward. The voter is then asked to proceed into a voting booth where he/she chooses a candidate of choice by ticking against the candidates name or face. The ballot paper is then placed into a polling box by the voter.

5. Free and fair elections

Elections are a lengthy process, running from the period before registration beyond election day. During the run-up to elections, candidates conduct their campaign to attract potential voters. This may, among other things, involve public debates and candidates visiting communities to conduct campaign meetings, display of candidates' pictures and campaign messages in public places.

One fundamental principle of elections is that they should be free and fair. This means that all processes have to be done professionally and in a transparent manner. Other than this, all important stakeholders must not be hindered from playing their role, all candidates must have fair treatment during campaign and reporting must be balanced for all candidates. When this happens, all candidates have an equal chance of winning an election. It is imperative that the campaigns are free of violence and intimidation. Candidates should therefore dwell on how they would contribute to the development of their wards and councils through implementation of innovative programmes rather than talking about the ills of other candidates. Candidates can also talk about how they would implement various government policies and programmes. In addition to this, candidates and the citizens should know that it is illegal to force or threaten people in order to get their votes.

The electoral system in Malawi does not discriminate one's candidature based on wealth and/or other personal or societal attributes. During campaign, candidates must therefore abstain from enticing voters with material goods like money, maize, flour and others. This is the case because if one candidate is very rich and offers these to voters, poorer candidates, who would not be able to offer the same, would be disadvantaged and therefore not stand the same chance of winning.

Candidates, their supporters as well as the media must also follow all campaign and reporting guidelines that may be provided by MEC, District Commissioners and the police before, during and after the polls.

FURTHER INFORMATION FOR LOCAL GOVERNMENTS IN MALAWI

COUNCIL	ADDRESS	TELEPHONE
1. Balaka District Council	Private Bag 1, Balaka	+265 1 545 323
2. Blantyre City Council	Private Bag 67, Blantyre	+265 1 871 860
3. Blantrye District Council	Private Bag 97, Blantyre	+2651 830 841
4. Chikhwawa District Council	Private Bag 1, Chikhwawa	+265 1 420 214
5. Chiradzulu District Council	Private Bag 1, Chiradzulu	+265 1 693 222/902
6. Chitipa District Council	P O Box 1 , Chitipa	+265 1 382 406
7. Dedza District Council	P O Box 140, Dedza	+265 1 223 379
8. Dowa District Council	Private Bag 2, Dowa	+265 1 282 358/264/244
9. Karonga District Council	P O Box 35, Karonga	+265 1 362 298
10. Kasungu District Council	Private Bag 1, Kasungu	+265 1 253 788/ 1 254 032
11. Kasungu Municipal Council	P O Box 333, Kasungu	+265 991 253 314
12. Likoma District Council	P O Box 77, Likoma	+265 999 262 864
13. Lilongwe City Council	P O Box 30396, Lilongwe	+265 1 770 885
14. Lilongwe District Council	P O Box 93, Lilongwe 3	+265 1 759 730
15. Luchenza Municipal Council	P O Box 33 Luchenza	+265 1 476 217
16. Machinga District Council	Private Bag 1, Machinga	+265 1 549 290
17. Mangochi District Council	Private Bag 138, Mangochi	+265 1 594 770
18. Mangochi Municipal Council	P O Box Mangochi	+265 1 593 030
19. Mchinji District Council	Private Bag 1, Mchinji	+265 1 242 306/200
20. Mulanje District Council	Private Bag 1, Mulanje	+265 1 466 200
21. Mwanza District Council	Private Bag 3, Mwanza	+265 1 432 222/902
22. M'mbelwa District Council	P O Box 32, Mzimba	+265 1 342 255/274
23. Mzuzu City Council	P O Box 1, Mzuzu	+265 1 332 177
24. Neno District Council	P O Box 11, Neno	+265 1 432 354
25. Nkhata Bay District Council,	P O Box 1, Nkhata Bay	+265 1 352 314
26. Nkhotakota District Council,	Private Bag 48, Nkhotakota	+265 1 292 264 /265
27. Nsanje District Council,	Private Bag 1, Nsanje	+265 1 456 383 /312

COUNCIL	ADDRESS	TELEPHONE
28. Ntcheu District Council	Private Bag 1, Ntcheu	+265 1 235 462 /431
29. Ntchisi District Council,	P O Box 1, Ntchisi	+265 1 285 286 /254
30. Phalombe District Council,	Private Bag 32, Phalombe	+265 1 480 068 /057
31. Rumphi District Council,	P O Box 224, Rumphi	+265 1 372 215 /377
32. Salima District Council,	Private Bag 15, Salima	+265 1 262 011/819/813
33. Thyolo District Council,	Private Bag 5, Thyolo	+265 1 473 200
34. Zomba City Council,	P O Box 43, Zomba	+265 1 525 039
35. Zomba District Council,	P O Box 23, Zomba	+2651524 089/ +26572/420 +265 1 524 044

CENTRAL GOVERNMENT INSTITUTIONS

Ministry of Local Government and Rural Development
P.O. Box 30312,
Lilongwe 3.
Tel. : +265 1 789 388
Fax: +265 1 788 083

National Local Government Finance Committee (NLGFC)
P.O. Box 31162,
Lilongwe 3.
Tel. : +265 1 744 403

Local Government Service Commission (LGSC)
P.O. Box 766,
Lilongwe.
Tel. : +265 1 756 920

LOCAL GOVERNMENT ASSOCIATIONS:

Malawi Local Government Association (MALGA),
P. O. Box 30312,
Lilongwe.
Tel. : +265 1 757 607

KEY DOCUMENTS FOR AND ABOUT THE LOCAL GOVERNMENT SYSTEM IN MALAWI

I Legislation and Policy

1. The Constitution of the Republic of Malawi,
2. 1995 National Decentralisation Policy,
3. Local Government Act, 1998
4. Malawi Poverty Reduction Strategy Paper, 2002
5. Malawi Growth Development Strategy (MGDS) I, 2006
6. Malawi Growth Development Strategy (MGDS) II, 2012

II Implementation Programmes

1. National Decentralisation Programme I (2000-2004)
2. The Review of the National Decentralisation Programme I (2000-2004),
3. The National Decentralisation Programme II (2008-2013)
4. The Joint Capacity Development Programme for Local Governance I (2011 -2011)
5. The Joint Capacity Development Programme for Local Governance II (2012-2015)

III Local Planning

1. Development Planning System Handbook for District Councils, 2001
2. Development Planning System Handbook for Urban Councils, 2003
3. Village Action Planning Handbook, 2004

IV Council Finance

District Development Fund: Financial Management and Accounting Procedures Manual, October 2001

Guidebook on the Local Government System in Malawi

With the coming in of democracy and the new Republican Constitution of 1995, the Government of Malawi decided to change the way it provided services to local communities. It then adopted a policy of decentralisation that improves the operation of the Local Government System. This guidebook shall help anyone willing to know more about the Local Government System, decentralisation, and citizens can participate in council affairs for the country to achieve sustainable development.

Through clear, explanatory text and illustrations, this guidebook provides the following areas:

1. The Local Government System in Malawi;
2. Local Government Areas in Malawi;
3. The meaning and implications of decentralisation;
4. The composition of a council: how it is set-up and who are its members;
5. The responsibilities of a council including services it is required to provide;
6. The roles and responsibilities of citizens, councillors and other members of the council;
7. Local Government elections: how to stand as a councillor, how to vote etc;
8. How local planning works: the aims of the LDP and the committees involved ;
9. How councils are financed;
10. Details of the national implementers of decentralisation;
11. Addresses and phone numbers of all councils and relevant central government.